

1 BRANDYE N. FOREMAN
2 State Bar No. 277110
3 BARRETT DAFFIN FRAPPIER
4 TREDER & WEISS, LLP
5 20955 Pathfinder Road, Suite 300
6 Diamond Bar, California 91765
7 (626) 915-5714 Phone
8 (972) 661-7726 Fax
9 ndcaecf@bdfgroup.com

10 Attorneys for Secured Creditor
11 WELLS FARGO BANK, N.A.

12 **UNITED STATES BANKRUPTCY COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA – SANTA ROSA DIVISION**

14 In re:

Bankruptcy Case No. 16-10292

15 WILFRED DACUYCUY and
16 REMEDIOS DACUYCUY,

Chapter 13

17 **OBJECTION TO CONFIRMATION OF**
18 **DEBTORS' CHAPTER 13 PLAN**

19 Debtor(s).

20 CONFIRMATION HEARING:

21 DATE: August 17, 2016

22 TIME: 1:30 PM

23 CTRM: Santa Rosa - Jaroslovsky

24 WELLS FARGO BANK, N.A. ("Wells Fargo" or "Secured Creditor") hereby objects to
25 confirmation of the Debtors' First Amended Chapter 13 Plan filed on July 12, 2016 (the "Plan")
26 based on the following:

27 1. Secured Creditor holds a secured claim evidenced by a promissory note in the
28 original principal sum of \$677,200.00 executed by Wilfred Dacuycuy and Remedios Dacuycuy
("Debtors") on or about January 24, 2007, collateralized by a first priority deed of trust encumbering

1 the real property commonly known as 22 Via Bellagio, American Canyon, CA 94503-1422
2 (“Property”) and recorded as Instrument No. 2007-0004955, Official Records of Napa County,
3 California.

4 2. Per Debtors’ own admission, the Property is their principal residence. *See* Debtor’s
5 Bankruptcy Petition, Schedules A and D.

6 3. As of the petition date, the total due and owing to Secured Creditor is \$562,159.79
7 and the pre-petition arrears total \$95,569.17. A true and correct copy of Wells Fargo’s filed proof of
8 claim is attached as Exhibit 1.

9 4. Debtors’ Plan provides for Wells Fargo’s claim in Class 1, proposing to pay
10 \$79,000.00 in pre-petition arrears to be cured at \$1,385.96 per month with payments commencing
11 September 2016. Debtors are to make all post-petition payments directly to Secured Creditor.

12 5. The Debtor’s Plan does not provide for the full pre-petition arrears owed to Secured
13 Creditor. As the Plan does not provide for the cure of the pre-petition arrearages owed, it does not
14 satisfy §1322(b)(5).

15 6. In order to cure Secured Creditor’s pre-petition arrears, the Debtors’ Plan payment
16 must be at least \$1,592.81 for 60 months (not including the increase in the Trustee’s fees).
17 However, Debtors’ schedules I and J indicate that Debtor has disposable monthly income of only
18 \$1,036.16. Based on the Debtors’ Schedules, they are not able to propose a feasible plan that will
19 cure the arrearage to Wells Fargo.

20 Wherefore, based on the foregoing, Secured Creditor respectfully requests that the Court
21 deny confirmation of the Debtor’s Chapter 13 Plan.

22 DATED: August 10, 2016

Respectfully Submitted,

23 BARRETT DAFFIN FRAPPIER TREDER
24 & WEISS, LLP

25 /s/ Brandye N. Foreman
26 BRANDYE N. FOREMAN
27 Attorneys for Secured Creditor
28

Exhibit “1”

Fill in this information to identify the case:

Debtor 1 WILFRED DACUYCUI

Debtor 2 REMEDIOS DACUYCUI
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California
(State)

Case number 16-10292-AJ-13

Official Form 410

Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	WELLS FARGO BANK, N.A. Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? WELLS FARGO BANK, N.A. Name DEFAULT DOCUMENT PROCESSING MAC#N9286-01Y 1000 BLUE GENTIAN ROAD Number _____ Street _____ EAGAN, MN 55121-7700 City _____ State _____ ZIP Code _____ Contact phone (800) 274-7025 Contact email POCNOTIFICATIONS@WELLSFARGO.COM	Where should payments to the creditor be sent? (if different) WELLS FARGO BANK, N.A. Name ATTN: PMT PROCESSING MAC # X2302-04C 1 HOME CAMPUS Number _____ Street _____ DES MOINES, IA 50328 City _____ State _____ ZIP Code _____ Contact phone (800) 274-7025 Contact email POCNOTIFICATIONS@WELLSFARGO.COM
Uniform claim identifier for electronic payments in chapter 13 (if you use one): W F C M G E 1 6 1 0 2 9 2 C A N 0 9 5 5 9 7 8 4		
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6.	Do you have any number you use to identify the debtor?	<input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: <u>9</u> <u>7</u> <u>8</u> <u>4</u>
7.	How much is the claim? \$ <u>562,159.79</u>	Does this amount include interest or other charges? <input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8.	What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. <u>MONEY LOANED</u>	
9.	Is all or part of the claim secured? <input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input checked="" type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: <u>22 VIA BELLAGIO, AMERICAN CANYON, CA 94503-1422</u> Basis for perfection: <u>Recorded Mortgage/Deed of Trust</u> Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ <u>562,159.79</u> Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ <u>95,569.17</u> Annual Interest Rate (when case was filed) <u>6.500</u> % <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable	
10.	Is this claim based on a lease? <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____	
11.	Is this claim subject to a right of setoff? <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Identify the property: _____	

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☒ No.

☐ Yes. Check one:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ _____

☐ Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 07/29/2016

/s/ BRANDYE N. FOREMAN

Signature

Print the name of the person who is completing and signing this claim:

Name	BRANDYE N. FOREMAN		
	First name	Middle name	Last name
Title	ATTORNEY FOR SECURED CREDITOR		
Company	BARRETT DAFFIN FRAPPIER TREDER & WEISS, LLP		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	20955 PATHFINDER ROAD SUITE 300		
	Number	Street	
	DIAMOND BAR, CA 91765		
	City	State	ZIP Code
Contact phone	(626) 915-5714		Email NDCAECF@BDFGROUP.COM

Mortgage Proof of Claim Attachment

(12/15)

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions.

Part 1: Mortgage and Case Information

Case number: 1610292

Debtor 1: Wilfred Dacuyuy

Debtor 2: Remedios Dacuyuy

Last 4 digits to identify: 9784

Creditor: Wells Fargo Bank, N.A.

Service: N/A

Fixed accrual/daily simple interest/other: Fixed Accrual

Part 2: Total Debt Calculation

Principal balance: 562,159.79

Interest due: 72,289.73

Fees, costs due: 1,570.00

Escrow deficiency for funds advanced: 19,872.76

Other: 0.00

Less total funds on hand: - 0.00

Total debt: 655,892.28

*Not to be used for payoff purposes

Principal & interest due: 73,413.50

Prepetition fees due: 1,570.00

Escrow deficiency for funds advanced: 19,872.76

Projected escrow shortage: 712.91

Other: 0.00

Less funds on hand: - 0.00

Total prepetition arrearage: 95,569.17

Total monthly payment: 3,980.52

*Additional changes to the monthly payment amount may be required because interest rate adjustments or escrow requirement changes.

Part 3: Arrearage as of Date of the Petition

Part 4: Monthly Mortgage Payment

Principal & interest: 3,425.16

Monthly escrow: 555.36

Private mortgage insurance: 0.00

Optional Products: 0.00

Part 5: Loan Payment History from First Date of Default

Account Activity				How Funds Were Applied/Amount Incurred							Balance After Amount Received or Incurred						
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.	
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance	
11/15/2013				Beginning Balances	11/15/2013		0.00					562,162.96		0.00	444.62	0.00	
11/15/2013	2,918.54			Monthly payment	11/15/2013		2,918.54					562,162.96		0.00	444.62	0.00	
11/20/2013			2,895.29	County tax disbursement	11/15/2013		2,918.54	0.00	0.00	-2,895.29		562,162.96		0.00	-2,450.67	0.00	
12/15/2013	2,918.54			Monthly payment	11/15/2013		5,837.08					562,162.96		0.00	-2,450.67	0.00	
12/31/2013			0.46	Interest on Escrow deposit	11/15/2013		5,837.08	0.00	0.00	0.46	0.00	562,162.96		0.00	-2,450.21	0.00	
01/15/2014	2,824.54			Monthly payment	11/15/2013		8,661.62					562,162.96		0.00	-2,450.21	0.00	
01/30/2014		2,918.54		Payment	11/15/2013		8,661.62	0.00	0.00	0.00	2,918.54	562,162.96		0.00	-2,450.21	0.00	
01/30/2014			0.00	Payment	11/15/2013		5,743.08	1.58	2,272.08	644.88	-2,918.54	562,161.38		0.00	-1,805.33	0.00	
02/15/2014	2,824.54			Monthly payment	12/15/2013		8,567.62					562,161.38		0.00	-1,805.33	0.00	
02/25/2014		2,918.54		Payment	12/15/2013		8,567.62	0.00	0.00	0.00	2,918.54	562,161.38		0.00	-1,805.33	0.00	
02/25/2014			0.00	Payment	12/15/2013		5,649.08	1.59	2,272.07	644.88	-2,918.54	562,159.79		0.00	-1,160.45	0.00	
03/15/2014	2,824.54			Monthly payment	01/15/2014		8,473.62					562,159.79		0.00	-1,160.45	0.00	
03/19/2014			2,895.29	County tax disbursement	01/15/2014		8,473.62	0.00	0.00	-2,895.29		562,159.79		0.00	-4,055.74	0.00	

Mortgage Proof of Claim Attachment: Additional Page

(12/15)

Case number: 1610292
Debtor 1: Wilfred Dacuyay

Part 3 Loan Payment History from First Date of Default

Account Activity				How Funds Were Applied/Amount Incurred						Balance After Amount Received or Incurred							
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.	
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin. int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance	
04/15/2014	2,824.54			Monthly payment	01/15/2014	11,298.16						562,159.79		0.00	-4,055.74	0.00	0.00
05/15/2014	2,829.02			Monthly payment	01/15/2014	14,127.18						562,159.79		0.00	-4,055.74	0.00	0.00
05/20/2014				Hazard Insurance Disbursement	01/15/2014	14,127.18	0.00		0.00	-801.03	0.00	562,159.79		0.00	-4,856.77	0.00	0.00
06/15/2014	2,829.02			Monthly payment	01/15/2014	16,956.20						562,159.79		0.00	-4,856.77	0.00	0.00
07/15/2014	2,829.02			Monthly payment	01/15/2014	19,785.22						562,159.79		0.00	-4,856.77	0.00	0.00
08/15/2014	3,063.41			Monthly payment	01/15/2014	22,848.63						562,159.79		0.00	-4,856.77	0.00	0.00
09/15/2014	3,063.41			Monthly payment	01/15/2014	25,912.04						562,159.79		0.00	-4,856.77	0.00	0.00
10/15/2014	3,063.41			Monthly payment	01/15/2014	28,975.45						562,159.79		0.00	-4,856.77	0.00	0.00
11/06/2014				County tax disbursement	01/15/2014	28,975.45	0.00		0.00	-3,230.37	0.00	562,159.79		0.00	-8,087.14	0.00	0.00
11/15/2014	3,063.41			Monthly payment	01/15/2014	32,038.86						562,159.79		0.00	-8,087.14	0.00	0.00
12/15/2014	3,063.41			Monthly payment	01/15/2014	35,102.27						562,159.79		0.00	-8,087.14	0.00	0.00
01/15/2015	3,063.41			Monthly payment	01/15/2014	38,165.68						562,159.79		0.00	-8,087.14	0.00	0.00
02/15/2015	3,063.41			Monthly payment	01/15/2014	41,229.09						562,159.79		0.00	-8,087.14	0.00	0.00
03/02/2015				County tax disbursement	01/15/2014	41,229.09	0.00		0.00	-3,230.37	0.00	562,159.79		0.00	-11,317.51	0.00	0.00
03/02/2015				Late Charge	01/15/2014	41,229.09					125.40	562,159.79		0.00	-11,317.51	125.40	0.00
03/03/2015				Late Charge	01/15/2014	41,229.09					-125.40	562,159.79		0.00	-11,317.51	0.00	0.00
03/15/2015	3,063.41			Monthly payment	01/15/2014	44,292.50						562,159.79		0.00	-11,317.51	0.00	0.00
04/15/2015	3,063.41			Monthly payment	01/15/2014	47,355.91						562,159.79		0.00	-11,317.51	0.00	0.00
05/15/2015	3,063.41			Monthly payment	01/15/2014	50,419.32						562,159.79		0.00	-11,317.51	0.00	0.00
05/20/2015				Hazard Insurance Disbursement	01/15/2014	50,419.32	0.00		0.00	-845.95	0.00	562,159.79		0.00	-12,163.46	0.00	0.00
06/15/2015	3,063.41			Monthly payment	01/15/2014	53,482.73						562,159.79		0.00	-12,163.46	0.00	0.00
07/15/2015	3,063.41			Monthly payment	01/15/2014	56,546.14						562,159.79		0.00	-12,163.46	0.00	0.00

Mortgage Proof of Claim Attachment: Additional Page

(12/15)

Case number: 1610292
Debtor 1: Wilfred Dacuyay

Part 3 Loan Payment History from First Date of Default

Account Activity				How Funds Were Applied/Amount Incurred							Balance After Amount Received or Incurred					
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin. int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance
08/15/2014	3,980.52			Monthly payment	01/15/2014	60,526.66						562,159.79	0.00	0.00	-12,163.46	0.00
09/08/2015			845.00	Attorney costs (Other)	01/15/2014	60,526.66				845.00		562,159.79	0.00	0.00	-12,163.46	845.00
09/08/2015			725.00	Attorney's fees	01/15/2014	60,526.66				725.00		562,159.79	0.00	0.00	-12,163.46	1,570.00
09/15/2015	3,980.52			Monthly payment	01/15/2014	64,507.18						562,159.79	0.00	0.00	-12,163.46	0.00
10/15/2015	3,980.52			Monthly payment	01/15/2014	68,487.70						562,159.79	0.00	0.00	-12,163.46	0.00
11/15/2015	3,980.52			Monthly payment	01/15/2014	72,468.22						562,159.79	0.00	0.00	-12,163.46	0.00
11/17/2015			3,854.65	County tax disbursement	01/15/2014	72,468.22	0.00	0.00	-3,854.65	0.00		562,159.79	0.00	0.00	-16,018.11	0.00
12/15/2015	3,980.52			Monthly payment	01/15/2014	76,448.74						562,159.79	0.00	0.00	-16,018.11	0.00
01/15/2016	3,980.52			Monthly payment	01/15/2014	80,429.26						562,159.79	0.00	0.00	-16,018.11	0.00
02/15/2016	3,980.52			Monthly payment	01/15/2014	84,409.78						562,159.79	0.00	0.00	-16,018.11	0.00
03/15/2016	3,980.52			Monthly payment	01/15/2014	88,390.30						562,159.79	0.00	0.00	-16,018.11	0.00
03/16/2016			3,854.65	County tax disbursement	01/15/2014	88,390.30	0.00	0.00	-3,854.65	0.00		562,159.79	0.00	0.00	-19,872.76	0.00
04/05/2016				Bankruptcy Filed	01/15/2014	88,390.30						562,159.79	0.00	0.00	-19,872.76	0.00

Addendum Page

Basis for asserting that the applicable party has the right to foreclose: Debtor(s) executed a promissory note secured by a mortgage, deed of trust, or security deed. The Promissory note is either made payable to creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage, deed of trust, or security deed.

Additional Disclaimers (where applicable)

410

Part 2: Question 9-Describe contains the property address and may contain a description for "Other".

410A

Part 1:

Full creditor name cannot be displayed due to space limitation, see 410 part 1.1 for full name.

Part 2:

Principal Balance is from Part 5, Column M as of the Bankruptcy File Date.

Interest Due is the interest due as of the Bankruptcy File Date.

Fees, costs due is from Part 5, Column P as of the Bankruptcy File Date and includes any outstanding fees (i.e. late charges, property inspections) and cost (i.e. attorney costs), also included are corporate advances (i.e. tax, insurance) for non-escrowed loans as of the Bankruptcy File Date. Any fees, costs due that are incurred pre-petition and waived post-petition will not be included.

Escrow deficiency for funds advanced is from Part 5, Column O (if negative balance) as of the Bankruptcy File Date.

Other includes any applicable Private Mortgage Insurance, other Optional Products (i.e. A & H, Life) or Deferred Interest, where applicable, due as of the Bankruptcy File Date. This line was added to ensure transparency.

Less Total Funds on hand is the total of Part 5, Column O (if positive balance) and Q as of the Bankruptcy File Date.

Total Debt not to be used for payoff purposes.

Part 3:

Principal and Interest is the principal and interest portion of Part 5, Column G, as of the Bankruptcy File Date. (If post-petition payments are included as required by Local Rule or practice, this field will include post-petition principal and interest amounts).

Pre-Petition Fees Due is from Part 5, Column P as of the Bankruptcy File Date. Any fees, costs due that are incurred pre-petition and waived post-petition will not be included.

Escrow Deficiency for Funds Advanced is from Part 5, Column O (if negative balance) as of the Bankruptcy File Date.

Projected Escrow Shortage is the Escrow Required from the escrow analysis minus a positive escrow balance as of the Bankruptcy File Date. (If post-petition payments are included as required by Local Rule or practice, this field will include post-petition escrow amounts).

Other includes any applicable Optional Products (i.e. A & H, Life) due as of the bankruptcy file date. This line was added to ensure transparency. (If post-petition payments are included as required by Local Rule or practice, this field will include post-petition Optional Product amounts).

Less Funds on Hand is from Part 5, column Q as of the Bankruptcy File Date.

Part 4:

Optional Products includes any applicable optional products (i.e. A & H, Life) due as of the Bankruptcy File Date. This line was added to ensure transparency.

(*)This disclaimer has been added to the form to explain that the monthly payment amount may change periodically throughout the life of the loan.

Part 5:

If any of the transactions in the loan payment history contain amounts for optional products, the amount for that product will be reflected in either the Contractual payment amount or the Funds Received amount, and will be applied in those amounts. It will also be reflected in column G as described below.

Column G In addition to the items listed, this also includes any past due PMI or optional products (i.e. A & H, Life) amounts, as applicable. Optional product (i.e. A & H, Life) amounts will not be included in columns H-Q due to no appropriate column heading for this type of transaction.

Column J includes taxes, insurance and MIP/PMI as applicable.

Column N will only be populated if the loan is Daily Simple Interest or if Deferred Interest exists on the account.

Column O includes taxes, insurance and MIP/PMI as applicable.